

Executive Committee Meeting Minutes – Monday, August 2, 2004

Chairman Dwyer called the meeting to order at 8:30 a.m. and led the committee in the Pledge of Allegiance.

Present: Chairman James Dwyer, County Board Supervisors Patricia Haukohl, Walter Kolb, Richard Manke, William Mitchell, Duane Paulson and Duane Stamsta.

Staff Present: Chief of Staff Lee Esler, Legislative Policy Advisor Mark Mader, Legislative Policy Advisor Dave Krahn, Office Services Coordinator Windy Jicha.

Also Present: Senator Neal Kedzie, Director of Administration Norm Cummings, Chief of Staff Allison Bussler, Supervisor Joe Griffin, Airport Commissioner Ray Perry, Milwaukee Journal Sentinel Reporter Scott Williams.

Public Comment

Supervisor Griffin distributed and reviewed the facts contained in a handout titled, 8/1/04 RE: 159-R-007.

Discuss Legislative Issues with Senator Neal Kedzie

Dwyer thanked Kedzie for coming to the meeting to discuss issues with the committee. Kedzie described the district he represents which includes 162,000 to 165,000 constituents. He showed the committee a map of his district and reviewed the boundaries. He briefly reviewed his resume including his experience in public office.

Dwyer said the overlying issue for the last session was TABOR. There are issues related to TABOR that need to be addressed. There must be alternatives to TABOR other than an amendment to the state constitution.

Kedzie said a mandate relief committee was formed to ask local and county governments what mandates they would like eliminated across the state. No action was taken from these results. When we do eliminate mandates, everyone has to accept the consequences. The public doesn't realize that one fell swoop to eliminate mandates would be like pulling the legs out from under a chair. There are mandates without funding.

Kedzie said there are certain problems with the way TABOR was presented. There are two ways to approach this. You can cap spending or cap revenues. If you cap revenues then you reach a certain threshold and it spills into tax relief or your rainy day fund. Some form of TABOR will be reintroduced again in January. Between now and January, those in the working group will be represented by every group imaginable. There will be a large amount of enabling legislation to accompany a constitutional amendment. You can set goals in the constitution but it will take legislation for it to work. When Panzer puts together a working panel for TABOR, there will be representation from all levels of government.

Kedzie said the state budget didn't have an actual tax increase; rather a lot of shell games were used to move money around. We didn't get some expected federal funding this year so there will be a shortfall even though budgets were tightened up. He guesses \$400 million will be cut which could include four-year-old kindergarten because it is not a mandatory program.

Kedzie said regents at the University of Wisconsin are boosting the cost of tuition. We need to make education affordable to lower income kids and jobs are needed to keep graduates in the state. Consolidation was the cornerstone of the session. You will see consolidation in the future with the largest move coming from police and fire departments. There are disincentives for K-12 schools that spend under their caps. These schools are penalized for not spending enough money. The savers get treated the same way as spenders. In a TABOR-like situation, formulas have to be rewritten.

Dwyer said at the legislative conference, Panzer asked for names of people who would be available from local and county governments to help with budget talks. We submitted several names and none of those people were called.

Krahn asked, does Panzer mean for this TABOR working group to be made up of more than legislators? Kedzie said it is pointless to have the group without local government representation. We are on the verge of a taxpayer revolt. The counties in this part of the state are feeling it more than other parts of the state because it is the growth area of the state. There's an imbalance that favors southeastern Wisconsin because this is where the majority of services and aid goes. The earliest a change would come about is 2007-2008. We have infrastructure changes being made in Milwaukee. Ninety percent of all commerce travels through the Marquette Interchange. We need to look at issues with a regional focus.

Dwyer said in regards to TABOR and capping growth at 5%, what happens when the state transfers programs and funds to counties that increase a county's overall expenditures? Does this mean counties will have to decrease funding in other areas, departments and programs in order to stay within the expenditure limits set by the state? This will also affect the amount of grant money we can bring into our budget.

Esler said there are programs that are capped at certain increases. There are two projects that may be transferred from state to county control, which will add \$11.5 million to our budget expenditures. This amount equals 5% of total county expenditures. How would this increase be accommodated under TABOR? Would we have to reduce expenditures somewhere else in the budget to accommodate the transfer of these programs from the state to the county level?

Mitchell said the judicial system needs to be overhauled from the state system on down. It is loaded with mandates that don't always have direction. As security becomes more and more of a factor, the costs will continue to go up. Small bills such as the one that redefines when someone gets a public defender will help the system. Kedzie said he realizes the courts are a huge burden on the counties and it is only growing.

Stamsta said he doesn't believe in TABOR. He agrees with the concept but not as a constitutional amendment. If legislators can't control the budget, we should get someone else to fill their places. Kedzie said there's a revolving door of legislators in Wisconsin. People aren't "lifers" which is why there are so many changes and things don't get done. There's no continuity.

Kedzie said when the UW system was built, it was built to serve regional populations. We aren't using distance learning the way we should. We can do a lot more teaching online. We don't have competitive start up jobs in Wisconsin. WCTC working together with the printing industry is a good idea because it sets them apart. He doesn't see any emphasis placed on the paper industry.

Haukohl said she is concerned that legislators don't have a true understanding of TABOR. People want to see better spending of their tax dollar. Consolidation is great but it costs money. We wouldn't have been able to develop the Communications Center if TABOR was in place because it brought money into our budget. TABOR doesn't take things like this into consideration.

Kedzie said there's so much focus on TABOR putting money away for rainy days. There isn't enough emphasis on debt reduction. If we get surplus, we should split the surplus by putting 50% to a rainy day fund and 50% toward eliminating debt. Refunds to residents cost the state a lot of money due to staff time, cutting checks, mailing costs, etc. Kedzie said Waukesha County is the only area he represents that asked him to come speak. Waukesha is a forerunner.

Legislative Update

The committee did not discuss this issue.

Discuss and Consider Resolution 159-R-007: Support for Creating a New Department of Emergency Preparedness and Transfer Airport to Public Works

Dwyer said this resolution could be divided into two parts on the board floor but not at committee.

Bussler said the County Executive wants to develop a new department called the Department of Emergency Preparedness. This isn't a new idea. Finley believes this is the best way to facilitate communications between the departments. One rational is that we are seeing increased funding in homeland security. We need to be aggressive in order to get the money. Waukesha County was recently deemed an urban area as part of the Milwaukee area. We think having a Department of Emergency Management will help us secure more grant money. This year, a \$6 million grant was available through Milwaukee. When we found out about the grant, we had only six days to prepare our application. With more time, we could have included municipal partners. Bussler said she recently attended public information officer training. At the training, they examined many past tragedies and found with each scenario that communication was key. Combining the Communicatoin Center, radio services and emergency management into one department is a step to make sure agencies are talking with each other. The second part of this resolution involves the move of the Communications Center out of the Department of Public Works and the airport into it. This will work out well for the Department of Public Works because they will lose some responsibilities but gain others. For this departmental change to occur, the Airport Commission would need to be abolished. The county executive would ask the members of the current Airport Commission to serve on a board or panel to oversee airport issues. There is tax levy going to the airport and it is appropriate for it to be managed by people who are elected by the people.

Director Cummings distributed a revised fiscal note. He said the county code states if the county executive wants to change the code, it must be done with a resolution. The timing of this isn't a coincidence. Director Cummings said Tuma said he believes a director of the Department of Emergency Preparedness could oversee the new combination of staff and the Communications Center. Radio Communications will fall under this department but will remain at the Davidson Road facility. The role of this function is a closer fit and programmatically aligned to the Communications Center duties. The Radio Communications budget will cover 25% of the director's position.

Kolb said he thinks the intent of this resolution would have been better if the issues had been split into two separate resolutions. He will vote no for the resolution because he agrees with part of it and disagrees with the other. He doesn't like the control the county executive will have over the airport.

Mitchell said the Judiciary Committee separated the resolution by issue and then voted on it in its entirety. They didn't agree with the thought process but it can be pulled apart on the board floor. He doesn't agree with remodeling the Communications Center before it is opened. This is poor planning and should have been thought out before. Bussler said the money to remodel the Communications Center would cover putting plumbing in place for vending machines and moving the machines. We think the center is serving its purpose. People can move into the office space for reasonable costs.

Director Cummings said the \$18K covers the cost to move the Emergency Management Coordinator into the Communications Center not including furniture costs. Currently there is an available office at the center for this position. The office was for a manager but that position has been reclassified and the office is not needed.

Haukohl said she agrees with the plan. Why does the fiscal note refer to 2004 numbers when this will occur in 2005? Director Cummings said we will be bargaining in 2005 and don't want to show 2005 numbers.

Paulson said he thought when the Communications Center was proposed; emergency management was going to be located there. Director Cummings said it was proposed but the county board rejected the department. Director Cummings said Bolte did a good job putting the Communications Center together. Emergency management and radio services works here. Business continuity should also be handled here and not by purchasing.

Stamsta said he has a problem expanding government. There will be a department head making more than \$100K annually to oversee a small department. There's no need for these groups to be in the same building. This is old-fashioned thinking. There are phones and computers. We live in an electronic age and don't need people sitting next to each other. Director Cummings said there needs to be in-person contact. We don't get a lot of notice for things and having these people close makes sense. It makes sense to have Maleug there because he will be in charge in case of an emergency. It's not a huge amount of money to move him there. This department will be comprised of 60 positions and will be larger than many other county departments. Stamsta asked if a senior financial analyst would be added to the Department of Administration? Stamsta asked what will Department of Administration staff will do without this work? Director Cummings said they have plenty of work to keep them busy. With this change, we are giving up work. Purchasing does most of business continuity and it will go to another department. Public Works staff took on the Communications Center without having to add staff.

Mitchell said he is in support of moving Maleug to the Communications Center especially for the purpose of preparing grants. Tuma will be a good oversight for that also. Mitchell doesn't support the timing. Maleug is good about sharing the homeland security grant information and money with other departments and municipalities. He wants to make sure that continues. He said voting for this today brings the resolution forward and then it can be separated on the board floor. The Judiciary Committee voted 6-0 to bring Emergency Management to the Communications Center and 5-1 to move the airport to the Department of Public Works. Mitchell said Bolte reported to the Judiciary Committee that he would be happy to have the airport under his direction.

The committee agreed 7-0 to create a Department of Emergency Preparedness.

Bussler said the airport has a small and shallow staff. When turnover occurs, it is a major upheaval. Moving the airport to Public Works will mean more backup for illness or turnover and better management. Tax levy supports the airport so elected officials, such as the county executive and county board, are the appropriate group to review it. The Airport Commission is comprised of aviation advocates whose goal is to improve the airport, which may cause conflict when we talk about expanding the airport. Neighbors might not like that. You need to have the big picture of the county board and county executive to see what the people want. Director Cummings said the advocacy role of the Airport Commission would continue like the Health and Human Services Board does.

Kolb said the current structure at the airport is ideal and doesn't need fixing. Staffing issues can be solved if they come up. He sees this as the administration wanting more control of the airport. The airport generates big jobs or continues to keep jobs here. He wants the Airport Commission to move about as always. The County Executive and board do have say over the airport budget.

Manke said the expo and airport are economic engines that aren't being used to their fullest capacity. This change will slow down development. He is bothered because the Airport Commission has been the catalyst

for change. He doesn't think some of the innovations suggested by the Commission would happen once the airport is under the administration. The concept of what the expo and airport are will be lost and shoved aside.

Stamsta said we were in charge of the airport. We moved the airport from county to commission control because it was a stepchild and no one cared about it. He sees no reason to put it in Public Works. There are times when we feel the commission isn't thinking like we are but that is good. He doesn't want it to become a stepchild again. If we don't want to maintain the airport as a county, we should get rid of it.

Dwyer said he supports this because it is a true transportation issue. Dwyer said Bolte will do a good job with the airport. We have an airport manager who is doing an extremely good job. The airport manager was hired and supervised by the commission but can't do anything without the approval of the County Executive. He is a county employee. We were told years ago that we would change the members of the Commission but there are two members who have been there since inception. You have to look at the big picture. An overall advisory committee would still be involved. It's not about power because the board took most of the power away from the Airport Commission.

Stamsta said the Commission was called an elitist group, which is our problem because we approved the appointment. What has changed in ten years to make us think we can run an airport without the Airport Commission? Nothing has changed. What makes us think we can do this well? Director Cummings said the change is that the FBO ran the airport at that time. In 1986 the FBO left and a new FBO came in. Previously the airport struggled in Public Works because there was no one to turn to because the FBO had all the power. By moving the snow plowing and lawn care to Public Works, the FBO could concentrate on running the airport. It's time to bring the management work into the administration and away from the Commission.

Esler said the Airport Commission can fade like the Solid Waste Management Board. The Solid Waste Management Board had the power to hire and fire its staff. The Airport Commission has exercised their authority to hire and fire an airport manager. Is it time to treat this like a zoning administrator who can be hired and fired by the Park and Planning Commission or is it time to treat the airport like a part of a larger department?

The committee voted 4 to 3 in favor of the airport becoming part of the Department of Public Works. (Stamsta, Manke and Kolb voted no.)

MOTION: Mitchell moved, Haukohl second to approve Resolution 159-R-007. **Motion carried:** 4-3 (Stamsta, Manke and Kolb voted no).

Discuss Possible Ordinance Draft to Amend 2004 Budget to Permit Release of Funds to River Rail Transit Commission Contingent Upon All River Rail Counties Financial Participation

Esler read the actual language of this item from the 2004 budget book which stated: "Use \$26,300 of Waukesha County funds previously paid as capital improvement contributions (in 1994) to the Wisconsin River Rail Transit Commission (WRRTC) (currently held by the WRRTC) as the county's portion for its 2004 contribution for the Wisconsin & Southern Railroad 3-5-7 year (upgrade) plan, contingent upon the 14 current participating counties financial participation at the requested level." Esler said according to Supervisor Nilson all seven River Rail counties have committed financially. Esler did not know if the other counties had committed.

Dwyer said sending seed money doesn't do any good if we don't plan on committing money to this every year. Manke said we need to make a decision either way on whether or not we support this. Our contribution would equalize the funding from the counties.

Kolb asked is it really good to keep throwing public money into this when private businesses won't? This is a bad principle and we should opt out of it. It is money that can be better spent elsewhere. Paulson said we keep rebuilding highways. We should be subsidizing the railroad.

Dwyer said railroads are important. The money we have in the fund isn't new money. The board decided we would pay a portion if the other counties paid. Alone, one county's contribution won't do any good. Is this a top priority of all our programs? He would like more information on this.

Haukohl said she is concerned the county doesn't have oversight over how the money is spent. She wants to be better educated on this issue.

Dwyer said once we send the payment in, we will be expected to pay for the next ten years. They would do improvement projects in Waukesha County even if we don't pay. That's not right either.

Paulson asked why can't we release the \$26K with the understanding that we will continue to pay if all the other counties continue to pay? Maybe all the counties are waiting for other counties to pay.

Manke said this money goes to pay for improvements to the track. No money goes into equipment used on the track.

Esler said the counties' contribution is 5% of total improvement costs while the other 95% comes from state funding.

Kolb said if he isn't doing well in his business, he can't go to the government for money. If the railroads can't support themselves, they should be let go.

Esler said if he is directed to write an ordinance, it would change the contingency currently found in the budget. We have an overdue invoice of \$26K to pay. In the nondepartmental budget you have disclosure that the ongoing support will require future funding. If you pass this ordinance to release the money, you will fold into the debate and signal the county executive that the 2005 money should be in the budget. The payment was calculated by the number of participating counties. If all the counties do not participate, the cost will increase. Counties participation represents half of one percent for infrastructure improvements to the rail. This amount was premised by a \$4 million contribution by the state but the state only gave \$2 million. If you give \$26K this year, it might actually cover payments for two years because of the smaller amount given by the state government.

MOTION: Haukohl moved, Stamsta second, for an ordinance to be written which would release funds to River Rail Transit Commission, to remove the contingency statement "contingent upon all river rail counties financial participation" and that this payment is only for 2004 and the issue will be revisited in the 2005 budget cycle. **Motion carried:** 7-0.

Committee Reports by Committee Chairs for the Following Meetings:

July 13, 2004 Personnel – Paulson said the committee meets tomorrow.

July 13, 2004 Land Use, Parks and Environment – Kolb said the committee reviewed ordinances on four zoning issues, the Barrett Landfill and the abolishment of the Solid Waste Management Board. They also dealt with the resolution on legislation for producer responsibility of consumer electronics.

July 14, 2004 Finance – Haukohl said the committee had a few ordinances. When the Barrett Landfill was discussed, Marchese was the one who brought up the ground water issues. They had an update on the In Rem report and the CAFR. They reviewed a fund transfer to pay for the clean up of a crystal meth lab in Menomonee Falls.

July 29, 2004 Public Works – Manke said the committee reviewed the ordinance to purchase a snow thrower for the airport, reworked a speed zone ordinance and discussed the tour and ordinance of the building at 1120 Northview Road.

July 29, 2004 Health and Human Services – Stamsta said the committee discussed the ordinance to create a full-time psychiatrist and to abolish a part-time psychiatrist. They had reviews of the mental health clinic medication assistance service and delinquency recidivism and risk assessment.

July 30, 2004 Judiciary and Law Enforcement – Mitchell said the committee went on a tour of the Medical Examiner's facilities. Judge Bohren provided a report on the Courthouse Security Committee and then the committee discussed the 2003 Annual Report of the Sheriff's Department.

Correspondence

Chairman Dwyer reviewed and distributed the list of correspondence. He said Supervisors should request copies of the listed items from Jicha.

Approval of Meeting Minutes from July 12, 2004

MOTION: Paulson moved, Manke second, to approve the minutes of the July 12, 2004 Executive Committee meeting as amended. **Motion carried:** 7-0.

Executive Committee Members Report from the Annual NACo Meeting in Phoenix July 16 – 20, 2004

This issue was not discussed and will be held over until the next meeting.

Motion to Adjourn

MOTION: Paulson moved, Kolb second, to adjourn the meeting at 12:35 p.m. **Motion carried:** 7-0.

Respectfully submitted,

Walter Kolb
Secretary